

PROB 12C
(7/93)Report Date: August 28, 2012
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

SEP 04 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Orlando Rodriguez

Case Number: 2:09CR02076-003

Address of Offender:

Yakima, WA 98901

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 7/19/2010

Original Offense: Unlawful Sale of Firearm, 18 U.S.C. § 922(d)

Original Sentence: Prison - 30 Months
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: 12/7/2011

Defense Attorney: Blaine T. Connaughton

Date Supervision Expires: 12/6/2014

 PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|--|
| 1 | <u>Special Condition # 17:</u> You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider. |
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Supporting Evidence: Mr. Rodriguez failed to attend a drug and alcohol group session at Merit Resource Services (Merit) on August 9, 2012.

According to Merit staff, Mr. Rodriguez was a no call/no show for his scheduled drug and alcohol group session on August 9, 2012.

- | | |
|---|---|
| 2 | <u>Special Condition # 19:</u> You shall abstain from the use of illegal controlled substances, and shall submit to testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance. |
|---|---|

Supporting Evidence: Mr. Rodriguez failed to submit to a random urinalysis test at Merit on August 9, 2012.

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- 3 **Special Condition # 19:** You shall abstain from the use of illegal controlled substances, and shall submit to testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Rodriguez tested positive for morphine on August 10, 2012.

On August 10, 2012, Mr. Rodriguez reported to the probation office. He was instructed to provide a urine sample. He reported having gone to the hospital due to stomach pain and was prescribed vicodin. According to Alere Toxicology Services, Incorporated, Mr. Rodriguez' urine sample was confirmed positive for morphine.

- 4 **Special Condition # 19:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Rodriguez tested positive for alcohol on August 13, 2012.

On August 23, 2012, this officer received a call from Mr. Rodriguez' chemical dependency counselor who reported the defendant submitted to a urinalysis test which returned positive for alcohol use. According to the counselor, Mr. Rodriguez was confronted regarding his alcohol use, however, he denied using any alcohol. The counselor expressed her concerns regarding Mr. Rodriguez' denial of alcohol use. She advised Mr. Rodriguez will need to attend a staffing session to determine his continued level of care.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: 08/28/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other


 Signature of Judicial Officer


 Date